

ENFORCEMENT OF THE  
*ENVIRONMENTAL PROTECTION  
AND ENHANCEMENT ACT*

And

*WATER ACT*

1 Jan 2014 - 31 Mar 2014

May 2014

Compliance Assurance, Operations Division

# Enforcement Actions

1 Jan 2014 - 31 Mar 2014

<i>Company/Individual</i>	<i>Municipality / LLD</i>	<i>Decision Date/ Penalty</i>	<i>Act/ Regulation</i>	<i>Comments / Disposition</i>
<b>Administrative Penalties</b>				
Evonik Degussa Canada ULC	Gibbons SE-13-56-22-W4	20-Jan-14 Assessed: \$7,500.00	AEPEA(R) 227(e)	The Company operates the Gibbons Chemical (hydrogen peroxide) plant pursuant to an Approval. It contravened its Approval by exceeding the COD emission rate and failing the acute lethality test on wastewater as specified in Clause 4.2.8 Table 4.2-A of the Approval. Paid 6 February 2014.
Canadian Natural Resources Limited	MD of Greenview NE-18-65-23-W5 Saddle Hills County SE-1-78-10-W6	14-Mar-14 Assessed: \$16,500.00	AEPEA(R) 227(e)	The Company operates the Ante Creek Sour Gas Plant and the Progress Sour Gas Plant pursuant to Approvals. It contravened its approvals with releases from the industrial runoff control system which exceeded the limits specified in Table 4.2-A of the Approvals. Notice of Appeal rec'd by the Environmental Appeals Board 11 April 2014. EAB advised, subject to REDA they do not have jurisdiction to accept the Notice of Appeal, matter is between the AER and CNRL. Penalty paid 16 April 2014.
Apache Canada Ltd.	MD of Big Lakes NE-21-69-9-W5	20-Mar-14 Assessed: \$3,500.00	WA 36(1) 142(1)(h)	The Company conducted an activity without an approval or authorization under the Water Act, this being the placement of Rip-Rap in the Swan River, within the M.D. of Big Lakes, Alberta. Paid 22 April 2014.

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<b>Amended Enforcement Orders</b>				
Coal Valley Resources Inc.	Yellowhead County 49-23-W5M; 49-22-W5M; 49-21-W5M; 48-22-W5M; 48-21-W5M; 48-20-W5M; 47-21-W5M; 47-20-W5M; 47-19-W5M; 46-19-W5M	21-Mar-14	AEPEA(R) 227(e)	Amendment No. 1 issued to EO-2014/02-UAR substituting June 30, 2014 for April 30, 2014 in clause 1.
Coal Valley Resources Inc.	Yellowhead County 49-23-W5M; 49-22-W5M; 49-21-W5M; 48-22-W5M; 48-21-W5M; 48-20-W5M; 47-21-W5M; 47-20-W5M; 47-19-W5M; 46-19-W5M	26-Mar-14	AEPEA(R) 227(e)	Amendment No. 2 issued to EO-2014/02-UAR substituting April 30, 2014 for June 30, 2014 in clause 1 and adding the following after clause 2(a): to be provided by June 30, 2014.
Lansdowne Community Association; DeVetten, Frank Simon; Woods, Susan and Brooks, Linda	Rocky View County SW-12-24-28-W4	28-Mar-14	AEPEA(R) 61	Amendment No. 1 issued to EO-2014/01-SSR deleting Clauses 1, 2 and 3; deleting and replacing Clause 5, 6, and 9 through 15; all other clauses of the EO remain in force.

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<b>Enforcement Orders</b>				
Lansdowne Community Association; DeVetten, Frank Simon; Woods, Susan Mary and Brooks, Linda	Rocky View County SW-12-24-28-W4	22-Jan-14	AEPEA(R) 61	On January 4, 2011, Alberta Environment and Sustainable Resource Development (ESRD) sent a letter to the Lansdowne Community Association stating that their Approval would expire on October 1, 2011 and advised that they must apply for and obtain a new approval in order to continue to operate their waterworks facility. Approval 148519-00-00 expired on October 1, 2011 and to this date ESRD had not received a renewal application and the water treatment plant is still in operation. The Department has been working with the parties to encourage them to complete and submit the application and has continued to monitor the situation in consultation with Alberta Health Services. On August 28, 2013 a Boil Water Advisory was issued, and remains in effect, as a result of the presence of coliforms in the water supply. The Parties shall immediately cease diverting water from the groundwater wells; immediately initiate hauling water from an EPEA approved waterworks system; have a certified operator in place within 2 weeks for the date of this Order; operate the facility according to the limits and operating requirements specified; submit a complete application for approval renewal; and conduct a hydrogeological assessment to rule out any connection of wells to surface water.
Krijger, Hendrik and Krijger, Gerritje	Ponoka County SE-30-42-24-W4	18-Feb-14	WA 36(1) 142(1)(h)	Hendrik and Gerritje Krijger are the registered owners and operators of the lands legally described as SE 30-42-24-W4M, County of Ponoka, Alberta ["SE 30"] subject to the exception on title as it relates to ownership of Lake No. 21. Site inspections conducted by Environment and Sustainable Resource Development staff ["ESRD"] confirmed excavation activities affecting the water body known as Lake No. 21, a Crown-owned lake. These activities were conducted without approval under the Water Act and have caused adverse impacts including increasing the drainage of the lake and causing water to flow onto neighbouring lands. To date the Krijgers have conducted no remedial works, despite attempts by ESRD to get them to do so. It was confirmed that earthmoving activities affecting the flow of water were continuing. ESRD has at no time received an application from, or issued an approval under the Water Act or the Public Lands Act, or predecessor legislation, to the Krijgers or any other person to conduct these activities. The Director is of the opinion that the construction of manmade works continue to alter the flow and direction of flow of water on SE 30 and from SE 30 to the west; have changed the location of water that would otherwise remain on SE 30 and SW 29; significantly altered the level of water in Lake No. 21 and the Wetland, and that the works have caused or may cause an effect on

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<b>Enforcement Orders</b>				
Coal Valley Resources Inc.	Yellowhead County 49-23-W5M; 49-22-W5M; 49-21-W5M; 48-22-W5M; 48-21-W5M; 48-20-W5M; 47-21-W5M; 47-20-W5M; 47-19-W5M; 46-19-W5M	14-Mar-14	AEPEA(R) 227(e)	<p>the aquatic environment, including an effect on the acreage property at the southeast corner of SE 30, and neighbouring lands to the west of SE 30, and that altering the location and level of the water in Lake No. 21 may result in flooding to down gradient lands. The Krijgers shall immediately cease any and all unauthorized activities and must restore the outlet, the bed and shore of Lake No. 21, and the wetland to the condition and function as it was before the construction of manmade works. Notice of Appeal received by the Environmental Appeals Board February 28, 2014.</p> <p>The Company owns and operates a coal processing plant and mine pursuant to Approval No. 11066-02-00, as amended. Pursuant to the Approval, the Company operates "mine wastewater handling facilities" or "settling ponds" which are parts of the Mine that collect, transport, store and treat mine wastewater. The Approval requires the Company to operate and manage its Ponds for the control of Total Suspended Solids ["TSS"] in accordance with strict limits and parameters, as some of these Ponds discharge into the surrounding watershed. Inspections and reported observations and non-compliances to Alberta Environment and Sustainable Resource Development have determined the Company has repeatedly exceeded its approval limits for TSS and acute lethality in its settling ponds, which can discharge into the surrounding watershed. The Director is of the opinion that the Company has contravened section 227(e) of the Environmental Protection and Enhancement Act by having ponds that do not achieve adequate settling retention time or provide reliable flow measurement; having drainage ditches that do not prevent channel erosion and adverse impacts on water quality; failing to use flocculant at a controlled rate or being able to accurately determine flocculant dosage; permitting the unauthorized discharge of TSS from major ponds at the Mine in excess of the Daily and Monthly Discharge Limits; permitting the unauthorized discharge of mine wastewater from major ponds at the Mine that failed the Acute Lethality Test; failing to take mine wastewater sample for major ponds where the outflow discharge likely appeared abnormally turbid (i.e. was greater than 50 NTU); failing to take a mine wastewater sample 3 times per week during discharge in May and June 2013; failing to identify the dosage of flocculants used at its Ponds in its monthly Wastewater Report; and failing to evaluate sediment accumulation or dredging activities at its Ponds in its Annual Wastewater Report, all being contrary to its Approval. The Company must submit to the Director, a</p>

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<b>Enforcement Orders</b>				

written plan for mine wastewater management; a schedule of implementation; implement the work set out in the Plan and; submit monthly status reports with a detailed summary on the progress of the work undertaken as set out within the Order.

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<b>Environmental Protection Orders</b>				
Alberta Utilities Commission	Rocky View County NE-28-26-29-W4	24-Jan-14	AEPEA(R) 150(1)	The Alberta Utilities Commission (AUC) is a corporation established pursuant to section 2 of the Alberta Utilities Commission Act. Up to June 1, 2013, Dockman & Associates Ltd. held Approval No. 151716-00-00 for the construction, operation and reclamation of the East Airdrie (Sharp Hill) Waterworks System in Rocky View County, Alberta. The Approval expired on June 1, 2013 and on May 30, 2013, the Director of Environment and Sustainable Resource Development (ESRD) issued an Enforcement Order (No. EO-2013/03-SR) to both Dockman & Associates Ltd. and Michael Dockman which both identified a number of contraventions of the Approval, and temporarily authorized the continued operation of the Waterworks System. On September 20, 2013, an Amendment was issued to the EO which, among other conditions, stated that the Amended Order would expire on January 20, 2014 unless the Parties submitted to ESRD a complete application for an approval to operate the Waterworks System. ESRD has not received an application and the Director is of the opinion that during the Parties operation of the Waterworks System, the water produced by the system has become unfit for its intended use as potable water for human consumption. Effective January 24, 2014, by way of this Environmental Protection Order (EPO), the Alberta Utility Commission is taking over temporary ownership of the facility until residents can initiate a long term connection to a suitable water system. The AUC shall comply with all of the requirements set out in the Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System as well as follow the requirements specified in the EPO to ensure the safety of the water system.
ConocoPhillips Canada Resources Corp. and Bonavista Energy Corporation	Mountain View County NW-14-29-3-W5	21-Mar-14	AEPEA(R) 113	ConocoPhillips Canada Resources Corp. ["CPC"] holds Approval No. 10955-02-00 under the Environmental Protection and Enhancement Act for the reclamation of the Crossfield Sour Gas Processing Plant and Bonavista Energy Corporation ["BV"] obtained Alberta Energy Regulator well licence #00192345 from CPC on January 15, 2003. Both the well site and the plant site share a complete overlap of physical surveyed footprint, and, in 2010, a report summarizing the monitoring data was completed. The report identified petroleum hydrocarbons, chloride and metals in groundwater and soil exceeding the Alberta Tier 1 Soil and Groundwater Remediation Guidelines on the well and plant site and extending beyond those boundaries. No further site investigations or soil/groundwater sampling events have been undertaken by CPC or BV since 2010 and to date, neither party has conducted remedial work regarding the

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<b>Environmental Protection Orders</b>				
				Substances and Contamination of the Well and Plant Site. The Director is of the opinion that a release of Substances into the environment has occurred on and off the Well and Plant Site; and that the Substances are the result of the activity of CPC, BV or both; and that the release of Substances has caused and may continue to cause an adverse effect to the environment; and that additional investigation and sampling is required to delineate the Substances and Contamination migrating off of the Well and Plant Site and remedial action is required. The Parties shall submit a written Delineation Plan, prepared by a qualified environmental professional; undertake the work set out in the Plan; Submit a written Remediation Plan; Submit status reports on or before the end of each quarter and; within 30 days of the work required by the Remediation Plan, the Parties shall submit a final written report detailing all the remedial work conducted. Notice of Appeal received by the Environmental Appeals Board March 31, 2014.
Locke Stock & Barrel Company Ltd.	MD of Foothills SE-25-20-3-W5	27-Mar-14	AEPEA(R) 113	The Energy Resources Conversation Board ["ERCB"] issued an Abandonment Order to Stampede Oils Inc. requiring abandonment of a well on a portion of the land legally described as 7-25-20-3-W5M [the "Site"], in the Municipal District of Foothills No. 31, Alberta. Alberta Environment and Sustainable Resource Development ["ESRD"] advised Stampede Oils of the requirement under the Act to reclaim the site and in July of 2009, Locke Stock & Barrel Company Ltd. [the "Operator"] acquired ownership and committed to reclaiming the Site. The Well was abandoned during the winter of 2009/2010 and to date, the Operator has not completed reclamation of the Site, nor applied for, nor has been granted, a reclamation certificate by ESRD. The Operator shall conserve and reclaim the Site; remediate any contamination that is found on the Site, or to any off-site areas, which has originated from the Well and any activities related to the Well; undertake confirmatory soil and/or groundwater sampling; submit a Final Report and; apply for a Reclamation Certificate.

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<b>Prosecutions</b>				
Daysland Welding Ltd.		03-Jan-14 Penalty: \$10,000.00	AEPEA(R) 227(a)	Count 8: "Co-accused Badry, Theadore Gregory, Mickla, Michael James & Daysland Backhoe and Trucking Ltd." On or about the 26th day of October, 2010, at or near Daysland, in the Province of Alberta did knowingly provide false or misleading information pursuant to a requirement under the Environmental Protection and Enhancement Act to provide information, contrary to section 227(a) of the Environmental Protection and Enhancement Act. Pled guilty and was sentenced to a fine of \$10,000.00. In addition, there is an order to ensure remediation continues on a small portion of contaminated land.

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Tickets				

No Activity

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<b>Warning Letters</b>				
Grande Prairie Ski Club	MD of Greenview SW-16-70-6-W6	14-Jan-14	WA 49(1)	The Grande Prairie Ski Club diverted water from the Wapiti River without a licence on or between November 4, 2013 and November 6, 2013.
Direct Energy Marketing Ltd.	County of Wetaskiwin SE-14-47-26-W4	29-Jan-14	AEPEA(R) 227(e)	The Company operates the Watelet Sour Gas Processing Plant pursuant to an Approval. It contravened its approval with late submission of the Soil Management Program Proposal which was due on August 28, 2012 and was not received until December 6, 2013.
Langston Environmental Ltd.	Lac La Biche Plan 8721560, Lot 43	18-Mar-14	AEPEA(R) 163(1) 24/97 5(1)	The Company conducted an unauthorized activity, the use or application of a pesticide listed in Schedule 1, 2 or 3 for hire or reward without a valid pesticide service registration as well as the use, application and handling of a pesticide in a manner or at a time that caused an adverse effect.
Baytex Energy Ltd.	Sturgeon County SW-17-57-22-W4	25-Mar-14	WA 49(1)	The Company conducted an unauthorized activity, the diversion of water without a licence between March and April of 2012.
Sphere Environmental Ltd.	Sturgeon County SW-17-57-22-W4	25-Mar-14	WA 49(1)	The Company conducted an unauthorized activity, the diversion of water without a licence between March and April of 2012.

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<b>Water Management Orders</b>				

No Activity

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